

REMARKS/ARGUMENTS

Claims 15-26 stand rejected in the outstanding Official Action. Claim 15 has been amended and therefore claims 15-26 are the only claims remaining in this application.

The Examiner's forwarding signed copies of Applicants' previously submitted Form PTO 1449 is very much appreciated.

Claims 15-24 stand rejected under 35 USC §102 as being anticipated by Speller (U.S. Patent 5,220,718). The Court of Appeals for the Federal Circuit has noted in the case of *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 USPQ 481, 485 (Fed. Cir. 1984) that "[a]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

Applicants' amended independent claim 15 specifically recites that calculations relating to the "predetermined positions and corresponding orientations" in step a) of process claim 15 correspond to "three-dimensional space." Additionally, Applicants' claim has been amended to point out that the adjusting step e) relates to adjustments of each receiving element with respect to three orthogonal axes in order to align the element with respective predetermined positions and orientations. Finally, step f) has been corrected, since there is no longer antecedent basis for "assembly tool," to read "mounting said at least one aircraft component on the fixture frame and pick-up devices" thereby correcting the language of claim 15.

As a result of the steps set out in claim 15 and the clarifying amendments, it is clear that the present invention relates to the calculation of support positions and orientations in three-dimensional space, the designing of a fixture frame, the construction of the fixture frame, the securing of a plurality of pick-up devices and then the adjustment of receiving elements on those

pick-up devices with respect to three orthogonal axes so that the "at least one aircraft component" can be held in a proper position for an assembly operation.

The cited Speller reference discloses an assembly system for a family of parts where the parts are relatively simple in design and relatively small, i.e., web 92, tee member 94 and angles or reinforcing members 96. Because the described assembly system in Speller utilizes a horizontal upright mounting table 60, Speller is primarily concerned with a process for assembly in two dimensions, i.e., where the "receiving elements" are adjusted with respect to two orthogonal axes only. There is believed to be no suggestion of any "calculating" step, a "designing" step, a "constructing" step, a "securing" step or a "adjusting" step in which pick-up devices are adjusted to correspond to predetermined positions and orientations in three-dimensional space. Should the Examiner believe Speller to contain any indication of the calculating, designing, constructing, securing or adjusting steps, especially with respect to three orthogonal axes, he is respectfully requested to point out the column and line number of any such teaching.

Additionally, Speller's use of the mounting table 60 instead of Applicants' "calculating," "designing," "constructing," "securing" and "adjusting" steps which will provide for a three-dimensional structure is believed to lead one of ordinary skill in the art away from Applicants' claimed invention. The arrangement of mounting table 60 and top 130 would appear to permit only a two-dimensional mounting arrangement for the desired part 92. There appears to be no suggestion in Speller of any ability to adjust his fixture in three dimensions in order to accommodate the process steps set out in Applicants' independent claim 15.

In view of the above, there is believed no basis for rejection of claims 15-24 under either 35 USC §102 or §103 in view of the Speller reference.

Claim 25 stands rejected under 35 USC §103 as unpatentable over Speller in view of Bullen (U.S. Patent 5,848,458). Inasmuch as claim 25 ultimately depends from claim 15, the above comments distinguishing claim 15 from the Speller reference is herein incorporated by reference. The Examiner does not allege that Bullen teaches the missing method steps set out in Applicants' claim 15. Therefore, neither Speller nor Bullen teach the variously recited process steps for fixing receiving elements with respect to three orthogonal axes to align the receiving elements with the desired predetermined position and orientation of the aircraft component. Any further rejection of claim 25 under 35 USC §103 is respectfully traversed.

Claim 26 stands rejected under 35 USC §103 as being unpatentable over Speller in view of Akeel (U.S. Patent 5,987,726). Inasmuch as claim 26 ultimately depends from claim 15, the above comments distinguishing claim 15 from the Speller reference are herein incorporated by reference. The Examiner does not allege that the Akeel reference supplies the claim 15 process steps which are missing from the Speller reference. Thus, even if Speller were combined with Akeel, there is no disclosure of the sequence of process steps which properly orient each receiving element with respect to three orthogonal axes to correctly and properly support the recited at least one aircraft component. Accordingly, any further rejection of claim 26 under 35 USC §103 is respectfully traversed.

Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that claims 15-26 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or

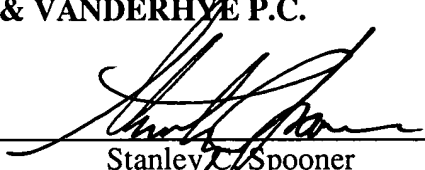
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personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicants' undersigned representative.

Respectfully submitted,

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